

SPEECH BY THE ATTORNEY GENERAL OF MALAYSIA
AT THE REFERENCE PROCEEDING IN MEMORY AND
HONOUR OF ALLAHYARHAM TUN MOHD EUSOFF BIN CHIN

Bismillahirrahmanirrahim.

Assalamualaikum warahmatullahi wabarakatuh, Salam Sejahtera
dan Salam Malaysia Madani.

Yang Amat Arif Tun Wan Ahmad Farid bin Wan Salleh
Ketua Hakim Negara,

Yang Amat Berbahagia Tun Arifin bin Zakaria
Mantan Ketua Hakim Negara,

Yang Amat Berbahagia Toh Puan Rosaini binti Mustaffa
Isteri kepada Allahyarham Tun Mohd Eusoff bin Chin;

Yang Amat Berbahagia Toh Puan Hamidah Choong binti Abdullah
Isteri kepada Allahyarham Tun Abdul Hamid bin Mohamad

Yang Amat Arif Datuk Seri Abu Bakar bin Jais

Presiden Mahkamah Rayuan,

Yang Amat Arif Datuk Seri Hashim bin Hamzah

Hakim Besar Malaya,

Yang Amat Arif Datuk Hajah Azizah binti Haji Nawawi

Hakim Besar Sabah dan Sarawak,

Yang Arif-Yang Arif

Hakim Mahkamah Persekutuan, Hakim Mahkamah Rayuan dan

Hakim Mahkamah Tinggi,

Yang Berusaha Tuan Azhaniz Teh bin Azman Teh

Ketua Pendaftar Mahkamah Persekutuan Malaysia,

Yang Berusaha Puan Murshidah binti Mustafa

Naib Yang Dipertua Badan Peguam Malaysia

Ahli-ahli keluarga,

Allahyarham Tun Mohd Eusoff bin Chin,

Allahyarham Tun Mohamed Dzaidin bin Abdullah,

Allahyarham Tun Abdul Hamid bin Mohamad; dan

Allahyarhamah Tan Sri Siti Norma binti Yaakob,

Yang Berbahagia Tan Sri/ Dato' Seri/ Datuk/ Dato'/ Datin/ Dif-dif
kehormat, Tuan-Tuan dan Puan-Puan yang dihormati sekalian.

Izinkan saya meneruskan ucapan saya dalam bahasa Inggeris.

Condolences and Opening Remarks

Yang Amat Arif, Yang Arif, ladies and gentlemen,

1. On behalf of the Attorney General's Chambers ("AGC") and on my own behalf, I extend my deepest condolences and heartfelt sympathies to the family of Allahyarham Tun Mohd Eusoff bin Chin, Allahyarham Tun Mohamed Dzaiddin bin Abdullah, Allahyarham Tun Abdul Hamid bin Mohamad and Allahyarhamah Tan Sri Siti Norma binti Yaakob. Their distinguished service to the Judiciary, the law and the nation will remain a lasting legacy.

2. We gather today in remembrance, gratitude and respect, not merely for the offices they held, but for the judgments they delivered, the principles they developed, and the enduring example they left for future generations.

A Life of Distinguished Public Service

Yang Amat Arif, Yang Arif, ladies and gentlemen,

3. Allow me to begin by reflecting upon the life, contributions and enduring legacy of Allahyarham Tun Mohd Eusoff bin Chin, in keeping with the agenda of today's Reference Proceeding.
4. Tun Mohd Eusoff's life represents more than four decades of dedicated public service, marked by a gradual progression from the classroom to the highest office in the Judiciary.
5. As the second Chief Justice of Malaysia, serving from 25 September 1994 to 19 December 2000, he brought to that office a wealth of experience, wisdom and commitment acquired throughout an exceptional career. Born in Batu

Gajah, Perak, on 20 June 1935, he began his service in education. In September 1955, he embarked upon his professional life as an English teacher at Sultan Ismail College, Kota Bharu.

6. In 1956, he joined the civil service as a Labour Officer in Sungai Petani and subsequently served as Assistant District Officer in Pasir Mas and Kota Bharu. Having passed the civil service department law examinations, he presided as a lay magistrate in Kota Bharu before being formally appointed a Magistrate in Penang in November 1959.
7. His potential and dedication were recognised through a scholarship to study at Lincoln's Inn. He left for the United Kingdom in February 1961 and was called to the English Bar in 1963. Upon returning to Malaysia in July 1963, he resumed his career in the Judicial and Legal Service.
8. His subsequent career reflected remarkable breadth and depth. He served as President of the Sessions Court in Kuala Lumpur, Deputy Registrar of the High Court, and headed the litigation section at Perbandaran Ibu Kota. He went on to

serve as State Legal Adviser for Johor and Perak, Senior Federal Counsel in the Revenue Department, Head of the International Division at the AGC, and, from 15 July 1980, Parliamentary Draftsman.

9. These appointments gave him extensive experience across the legal and judicial branches of government and formed the foundation for his distinguished judicial career.

Contribution to the Development of Malaysian Jurisprudence

Yang Amat Arif, Yang Arif, ladies and gentlemen,

10. On 1 October 1982, Tun Mohd Eusoff was elevated to the High Court Bench. He served in Kota Bharu, Kuala Lumpur and Muar, before returning to the Kuala Lumpur High Court in 1989. His judicial experience, discernment and wisdom led to his elevation to the Supreme Court in October 1992 and, on 25 September 1994, to the office of the second Chief Justice of Malaysia.

11. His contribution to Malaysian jurisprudence remains significant. During his tenure on the Bench, Tun Mohd Eusoff delivered several landmark decisions that have continued to shape Malaysian jurisprudence. In the landmark case of ***Dalip Bhagwan Singh v Public Prosecutor***¹, Tun Mohd Eusoff, sitting alongside Federal Court judges Peh Swee Chin and Wan Adnan Ismail, set out the governing principles relating to the doctrine of *stare decisis* establishing the “***later prevails***” rule, under which, where two decisions of the Federal Court conflict on a point of law, the later decision prevails over the earlier decision.²
12. As prosecutors, we remember Tun Mohd Eusoff as a Chief Justice who placed considerable emphasis on fairness in the administration of criminal justice, most notably in the case of ***Goi Ching Ang v Public Prosecutor***³. Five members of the Federal Court panel, chaired by Tun Mohd Eusoff, quashed the conviction and affirmed a fundamental principle of fairness in criminal justice. While information leading to the discovery of facts may be admissible under section 27 of the

¹ [1998] 1 MLJ 1

² [1998] 1 MLJ 1 at page 14.

³ [1999] 1 MLJ 507

Evidence Act 1950 [Act 56], the Court recognised the absolute discretion to exclude evidence obtained unfairly, involuntarily or through oppression.⁴

13. The judgment, in its emphatic affirmation that “**fairness requires fair trial**, which **in turn needs fair procedure**”, remains a powerful articulation of the importance of procedural fairness in the criminal justice process.⁵ It serves as an enduring reminder to prosecutors and law enforcement officers alike that the pursuit of justice must always be accompanied by fairness. Above all, the integrity of the investigative process remains fundamental to the proper administration of justice.

14. Beyond these decisions, the five-member Federal Court panel chaired by Tun Mohd Eusoff also elucidated an important principle concerning appellate review in the case of **Tunde Apatira & Ors v Public Prosecutor**⁶. This case affirms that a misdirection of law would normally warrant quashing a conviction. However, in exceptional

⁴ [1999] 1 MLJ 507 at page 527.

⁵ [1999] 1 MLJ 507 at page 527.

⁶ [2001] 1 MLJ 259

circumstances, a conviction may nevertheless be upheld where the appellate court is satisfied that a properly directed and reasonable tribunal would have reached the same conclusion on the evidence.

An Enduring Legacy

Yang Amat Arif, Yang Arif, ladies and gentlemen,

15. Tun Mohd Eusoff's tenure as Chief Justice coincided with a dynamic and transitional period in Malaysia's socio-economic and legal history. He presided over the highest court of the land at a time when landmark cases generated intense legal debate and contributed significantly to the shaping of Malaysian jurisprudence.
16. Perhaps the most fitting measure of his judicial philosophy comes from his own words. When reflecting on how he wished to be remembered as Chief Justice, Tun Mohd Eusoff said that he wished to be remembered as a fair man and a fair judge, and for his kind treatment to his staff. Those words captured the qualities that defined his years on the Bench:

fairness in judging, humanity in dealing with others, and responsibility towards the institution entrusted to his leadership.⁷

17. His legacy therefore lives on in many forms: in the principles expressed through his judgments, in the institutional history of the Malaysian Judiciary, and in the example he left as a career jurist who carried the responsibilities of judicial office with firmness, diligence and an unwavering sense of duty.
18. It is with a deep sense of respect and solemnity that we remember Allahyarham Tun Mohd Eusoff bin Chin, former Chief Justice of Malaysia, who returned to the mercy of the Almighty on 7 August 2026, at the age of 91. His passing marks the end of a distinguished life devoted to the law, the Judiciary and public service, but not the end of the legacy he leaves behind.
19. May Allah SWT shower His Mercy and Forgiveness upon Allahyarham Tun Mohd Eusoff bin Chin and Grant him a

⁷ Azizul A. Adnan, "Tun Dato' Seri Hj Mohd Eusoff bin Chin," *The Malaysian Judiciary Yearbook 2021* (Kuala Lumpur: Office of the Chief Registrar, Federal Court of Malaysia, 2021), 132.

place among the righteous. May his many years of dedicated service to the law, the Judiciary and the nation be accepted as a lasting contribution to the country he served with distinction. ***Al-Fatihah.***

20. Allow me to conclude by humbly praying, in the hallowed tradition of the Bar, that this Reference Proceeding, held in honour and memory of Allahyarham Tun Mohd Eusoff bin Chin, be entered into and preserved in the Court archives. May a copy thereof also be extended to his family.

Thank you.

Wabillahi taufiq walhidayah, wassalamualaikum warahmatullahi wabarakatuh.

THE ATTORNEY GENERAL OF MALAYSIA

SEPTEMBER 2026